

FILED  
for Roanoke  
OCT 12 2006

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

GARVIN HERNANDEZ OWENSBY,	)	
Plaintiff,	)	Civil Action No. 7:06cv00583
	)	
v.	)	<u>FINAL ORDER</u>
	)	
DOCTOR OFAGH, <u>et al.</u> ,	)	By: Hon. Jackson L. Kiser
Defendants.	)	Senior United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby

**ADJUDGED and ORDERED**

that this action is **DISMISSED** without prejudice in part pursuant to 42 U.S.C. § 1997e(a) for failure to exhaust administrative remedies, and in remaining part pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted. All other pending motions are hereby **DENIED** as **MOOT**, and this case is hereby **STRICKEN** from the active docket of the court.

The Clerk of the Court is directed to send certified copies of this Order and the accompanying Memorandum Opinion to plaintiff and to counsel of record for the defendants, if known.

ENTER: This 12<sup>th</sup> day of October, 2006.

*Jackson L. Kiser*  
Senior United States District Judge